

REMARKS

Claims 1-85 are currently pending in the subject application and are presently under consideration.

Applicants' representative thanks Examiner Shaw for the courtesies extended during the telephonic interview conducted on March 20, 2008. Examiner was contacted to discuss the claim rejections under 35 U.S.C. §102(b), 35 U.S.C. §102(e) and 35 U.S.C. §103(a). Applicants' representative provided further clarification regarding the distinguishing limitations of claims 1, 40, 55, and 78 over the cited references identified in the Office Action. These claims were discussed as they are representative of similar limitations recited in several other independent and dependent claims as detailed below. Examiner indicated that further search and consideration was required to determine if the claims would be allowed.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-5, 9-10, 19 and 22 Under 35 U.S.C. §102(e)

Claims 1-5, 9-10, 19 and 22 stand rejected under 35 U.S.C. §102(e) as being anticipated by Smith, *et al.*, (US 6,463,462 B1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Smith, *et al.* fails to teach or suggest each and every limitation of applicants' claimed invention.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

The subject invention relates to providing controls and displays for acquiring user preferences for a system and method to automatically classify, prioritize, and present information to a user or system in a preferred format, location, and time. The applicants' claimed invention can assign a priority to a message based upon the communication channel from which the message arrived. The incoming communication channel can have a predetermined priority

associated with it. For example, all messages received at e-mail are assigned priority A and all messages received at a cell phone are assigned priority B. Independent claim 1 recites *one or more inputs associated with the display objects to facilitate adaptation of the user interface to one or more preferences of a user, the one or more inputs includes at least one or more user preferences for assigning a priority value to a voice message based upon a predetermined priority associated with a communication channel from which the message is received.*

Smith, *et al.* does not teach or suggest the aforementioned novel features as recited in the subject claim. The cited reference teaches a messaging system that can receive and send messages from multiple formats by converting the messages into a universal format. Smith, *et al.* does not disclose a system for assigning the priority to a message, but merely states that messages will have differing levels of importance. The system provides a method for a user to establish profiles that can determine which device to employ to deliver messages to the user based upon the message priority. The Office Action dated February 4, 2008 cites Figure 4 and column 6, lines 1-30 as teaching assigning a priority to a message based upon a predetermined priority associated with the communication channel from which a message is received. On the contrary, the reference indicates that a user can assign devices to a particular priority level in a profile, such that when messages are received that already have the particular priority level assigned to them, the devices associated with that priority level will be employed to deliver the message to the user. This section does not disclose assigning priority to messages, but rather discloses assigning devices for delivery to a priority level. The messages will already have a priority associated with them and the device assignment determines which device to employ. (*See e.g.*, column 6, lines 5-6). Therefore, Smith, *et al.* fails to teach or suggest one or more inputs associated with the display objects to facilitate adaptation of the user interface to one or more preferences of a user, the one or more inputs includes at least one or more user preferences for assigning a priority value to a voice message based upon a predetermined priority associated with a communication channel from which the message is received.

In view of at least the foregoing discussion, applicants' representative respectfully submits that Smith, *et al.* fails to teach or suggest all limitations as recited in independent claim 1 (and claims 2-5, 9-10, 19 and 22 that respectfully depend there from), and thus fails to anticipate the subject claims. Accordingly, this rejection should be withdrawn.

II. Rejection of Claims 23-26 and 34-39 Under 35 U.S.C. §102(b)

Claims 23-26 and 34-39 stand rejected under 35 U.S.C. §102(b) as being anticipated by Robert M. Losee, Jr. (Minimizing Information Overload: The Ranking of Electronic Messages). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Losee does not teach each and every element of the subject invention as recited in the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

In particular, independent claim 23 recites *generating a priority associated with a message, wherein the message is assigned a predetermined priority associated with a communication channel from which the message is received*. Losee does not teach or suggest the aforementioned novel aspects of applicants’ invention as recited in the subject claim. Losee teaches a system for ranking messages that determines the expected cost of not selecting a message for review. Losee teaches that the cost of rejecting a message is based on the cost of non-review for given a relevance class(priority). The Office Action dated February 4, 2008 contends that Losee discloses this feature in the Abstract and 1st paragraph on page 4. These sections discloses a classification model for classifying messages as relevant or non-relevant based upon probabilities determined for message features as good or bad. The cited art is silent regarding assigning priority based upon *a predetermined priority associated with communication channel* from which the message was received. The Office Action asserts that the communication channel can be a person, a device, e-mail or cell phone and that Losee indicates that the message could be from e-mail, e-bulletin, telephone, a supervisor, or a topic. However, there is no discussion of a predetermined priority associated with a communication channel by Losee, and using this predetermined priority to assign a priority to a message. Losee employs a statistical and economic model over message features to compute a priority ranking for a message. Therefore, Losee fails to teach or suggest generating a priority associated with a

message, wherein the message is assigned a predetermined priority associated with a communication channel from which the message is received.

Accordingly, applicants' representative respectfully submits that Losee fails to teach or suggest all limitations as recited in independent claim 23 (and claims 24-26 and 34-39 that depend there from), and thus fails to anticipate the subject claims. Therefore, it is readily apparent that this rejection should be withdrawn.

III. Rejection of Claim 40 Under 35 U.S.C. §102(e)

Claim 40 stands rejected under 35 U.S.C. §102(e) as being anticipated by Smith, *et al.* It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Smith, *et al.* fails to teach or suggest each and every limitation of applicants' claimed invention.

Independent claim 40 recites *configuring the graphical displays according to one or more user preferences associated with the priority and delivery of the one or more messages, the one or more user preferences includes one or more **deferral policies that are given as bounds such that a message of a particular priority will not wait more than a predetermined amount of time before being displayed to a user.*** The subject claims ensure that messages are routed to the user within a predetermined time frame given their priority. This provides an override mechanism that prevents messages with certain priorities (such as a low priority) from not being presented to a user within a reasonable amount of time. Smith, *et al.* does not teach this novel feature of the subject claim. The Office Action dated February 4, 2008 cites Figures 4 and 20-22, column 6, lines 1-39 and column 10, lines 57-60 as teaching this feature. On the contrary, these cited sections refer to profiles in which the user specifies devices assigned to priorities that are to be employed to deliver messages to the user. The sections also disclose that the user can created schedules that dictate which profiles are active at particular times. These sections are silent regarding any specific time limits within which a message must be sent based upon the message priority. As such, Smith, *et al.* fails to teach or suggest that *the one or more user preferences includes one or more **deferral policies that are given as bounds such that a message of a particular priority will not wait more than a predetermined amount of time before being displayed to a user.***

Therefore, applicants' representative respectfully submits that Smith, *et al* fail to teach or suggest all limitations as recited in independent claim 40, and thus fails to anticipate the subject claim. Therefore, it is readily apparent that this rejection should be withdrawn.

IV. Rejection of Claims 41-51 Under 35 U.S.C. §102(b)

Claims 41-51 stand rejected under 35 U.S.C. §102(b) as being anticipated by Juha Takkinen (CAFÉ: A Conceptual Model for Managing Information in Electronic Mail), hereinafter referred as Takkinen. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Takkinen fails to teach or suggest each and every limitation of applicants' claimed invention.

Independent claim 41 recites *assigning priority values to one or more messages, wherein a message is assigned a priority value based upon a predetermined priority associated with a communication channel from which the message is received*. Takkinen teaches a categorization system for e-mail that has three user modes of operation employing three different categorization techniques based upon how busy the user indicates they are currently. However, Takkinen is strictly concerned with e-mail and fails to suggest a predetermined priority associated with a communication channel from which the message is received. The Office Action dated February 4, 2008 cites page 47, left column, last paragraph as teaching this feature. On the contrary, the cited section merely states that if a sender and a user employ the same e-mail system then sorting messages into categories according to priority is easier. Takkinen is silent regarding *assigning priority values to one or more messages, wherein a message is assigned a priority value based upon a predetermined priority associated with a communication channel from which the message is received*.

Accordingly, applicants' representative respectfully submits that Takkinen fail to teach or suggest all limitations as recited in independent claim 41 (and claims 42-51 that depend there from), and thus fails to make obvious the subject claims. Therefore, it is readily apparent that this rejection should be withdrawn.

V. Rejection of Claims 6, 13 and 21 Under 35 U.S.C. §103(a)

Claims 6, 13 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, *et al*. in view of Wright, *et al*. (US 6,078,568 A). It is respectfully submitted that this

rejection should be withdrawn for at least the following reasons. Smith, *et al.* and Wright, *et al.* alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention.

A factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant upon *ex post* reasoning. See *KSR v. Teleflex*, 550 U.S. ___, 127 S. Ct. 1727 (2007) citing *Graham v. John Deere Co. of Kansas City*, 383 U. S. 1, 36 (warning against a "temptation to read into the prior art the teachings of the invention in issue" and instructing courts to "guard against slipping into the use of hindsight" (quoting *Monroe Auto Equipment Co. v. Heckethorn Mfg. & Supply Co.*, 332 F. 2d 406, 412 (CA6 1964))).

Claims 6, 13, and 21 depend from independent claim 1. As noted *supra*, Smith, *et al.* does not teach or suggest each and every element of the subject invention as recited in this independent claim, and Wright, *et al.* fails to make up for the aforementioned deficiencies of Smith, *et al.* Wright, *et al.* teaches a system for managing data packets on a communication network and fails to discuss assignment of message priority or assignment of a priority to a communication channel. Therefore, Smith, *et al.* and Wright, *et al.* fail to teach or suggest *one or more inputs associated with the display objects to facilitate adaptation of the user interface to one or more preferences of a user, the one or more inputs includes at least one or more user preferences for assigning a priority value to a voice message based upon a predetermined priority associated with a communication channel from which the message is received* as recited in independent claim 1.

In view of at least the foregoing discussion, applicant's representative respectfully submits that Smith, *et al.* and Wright, *et al.*, alone or in combination fails to teach or suggest all limitations as recited in independent claim 1 (and claims 6, 13, and 21 that respectfully depend there from), and thus fails to make obvious the subject claims. Accordingly, this rejection should be withdrawn.

VI. Rejection of Claims 7-8 Under 35 U.S.C. §103(a)

Claims 7-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, *et al.* in view of Cooper, *et al.* (US 6757362 A). It is respectfully submitted that this rejection

should be withdrawn for at least the following reasons. Smith *et al.* and Cooper, *et al.*, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention.

Claims 7 and 8 depend from independent claim 1. As noted *supra*, Smith, *et al.* does not teach or suggest each and every element of the subject invention as recited in this independent claim, and Cooper, *et al.* fails to make up for the aforementioned deficiencies of Smith, *et al.* Cooper, *et al.* teaches a system for inputting and receiving information such as e-mail and news by speech. Cooper, *et al.* teaches analysis of acoustical properties of the speech of a user that is retrieving messages for the purpose of identifying the emotional state of the user, so that adjustments can be made in the system voice prompts to be more in line with the user's emotional state. Cooper, *et al.* teaches fails to discuss assignment of message priority or assignment of a priority to a communication channel. Therefore, Smith, *et al.* and Cooper, *et al.* fail to teach or suggest *one or more inputs associated with the display objects to facilitate adaptation of the user interface to one or more preferences of a user, the one or more inputs includes at least one or more user preferences for assigning a priority value to a voice message based upon a predetermined priority associated with a communication channel from which the message is received* as recited in independent claim 1.

In view of at least the foregoing discussion, applicant's representative respectfully submits that Smith, *et al.* and Cooper, *et al.*, alone or in combination fails to teach or suggest all limitations as recited in independent claim 1 (and claims 7 and 8 that respectfully depend there from), and thus fails to make obvious the subject claims. Accordingly, this rejection should be withdrawn.

VII. Rejection of Claim 11 Under 35 U.S.C. §103(a)

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, *et al.*, Badt *et al.*, Horvitz, *et al.*, and further in view of Matthew Marx (CLUES: Dynamic Personalized Message Filtering). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Smith, *et al.*, Badt *et al.*, and Horvitz, *et al.*, and Marx, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention.

Claim 11 depends from independent claim 1. As noted *supra*, Smith, *et al.* does not teach or suggest each and every element of the subject invention as recited in this independent claim, and Badt *et al.*, Horvitz, *et al.*, and Marx fail to make up for the aforementioned deficiencies of Smith, *et al.* Badt, *et al.* discloses a system that employs voice recognition to identify a caller. The system then determines where in the hierarchical organization the caller is positioned. Badt, *et al.* is silent regarding a predetermined priority associated with the communication channel that is used to determine priority of a received message. Horvitz, *et al.* discloses a system for employing Bayesian models for inferring goals of a user. The reference is also silent regarding a predetermined priority associated with the communication channel that is used to determine priority of a received message. Marx teaches a prioritization system for e-mail and phone calls based on rules that are automatically generated by the system. However, the cited reference fails to disclose a predetermined priority associated with the communication channel that is used to determine priority of a received message. Therefore, Smith, *et al.*, Badt, *et al.*, Horvitz, *et al.*, and Marx fail to teach or suggest *one or more inputs associated with the display objects to facilitate adaptation of the user interface to one or more preferences of a user, the one or more inputs includes at least one or more user preferences for assigning a priority value to a voice message based upon a predetermined priority associated with a communication channel from which the message is received* as recited in independent claim 1.

In view of at least the foregoing discussion, applicants' representative respectfully submits that Smith, *et al.*, Badt, *et al.*, Horvitz, *et al.*, and Marx, alone or in combination fails to teach or suggest all limitations as recited in independent claim 1 (and claim 11 that respectfully depend there from), and thus fails to make obvious the subject claims. Accordingly, this rejection should be withdrawn.

VIII. Rejection of Claims 12 and 20 Under 35 U.S.C. §103(a)

Claims 12 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith and further in view of Eggleston *et al.* (US 6101531 A). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Smith *et al.* and Eggleston, *et al.*, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention.

Claims 12 and 20 depend from independent claim 1. As noted *supra*, Smith, *et al.* does not teach or suggest each and every element of the subject invention as recited in this independent claim, and Eggleston, *et al.* fails to make up for the aforementioned deficiencies of Smith, *et al.* Eggleston, *et al.* teaches a system and method for prioritizing e-mail to be downloaded from a server to a local machine. However, the cited reference fails to disclose a predetermined priority associated with the communication channel that is used to determine priority of a received message. Therefore, Smith, *et al.*, Badt, *et al.*, Horvitz, *et al.*, and Eggleston, *et al.* fail to teach or suggest *one or more inputs associated with the display objects to facilitate adaptation of the user interface to one or more preferences of a user, the one or more inputs includes at least one or more user preferences for assigning a priority value to a voice message based upon a predetermined priority associated with a communication channel from which the message is received* as recited in independent claim 1.

In view of at least the foregoing discussion, applicants' representative respectfully submits that Smith, *et al.* and Eggleston, *et al.*, alone or in combination fails to teach or suggest all limitations as recited in independent claim 1 (and claims 12 and 20 that respectfully depend there from), and thus fails to make obvious the subject claims. Accordingly, this rejection should be withdrawn.

IX. Rejection of Claim 14 Under 35 U.S.C. §103(a)

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Smith and further in view of Johnathan Isaac Helfman *et al.* (Ishmail: Immediate Identification of Important Information). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Smith *et al.* and Helfman, *et al.*, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention.

Claim 14 depends from independent claim 1. As noted *supra*, Smith, *et al.* does not teach or suggest each and every element of the subject invention as recited in this independent claim, and Helfman, *et al.* fails to make up for the aforementioned deficiencies of Smith *et al.* Helfman, *et al.* teaches a prioritization system for e-mail based upon keyword based filter rules. However, the cited reference fails to disclose a predetermined priority associated with the communication channel that is used to determine priority of a received message. Therefore, Smith, *et al.*, Badt, *et al.*, Horvitz, *et al.*, and Helfman, *et al.* fail to teach or suggest *one or more*

inputs associated with the display objects to facilitate adaptation of the user interface to one or more preferences of a user, the one or more inputs includes at least one or more user preferences for assigning a priority value to a voice message based upon a predetermined priority associated with a communication channel from which the message is received as recited in independent claim 1.

In view of at least the foregoing discussion, applicants' representative respectfully submits that Smith, *et al.* and Helfman, *et al.*, alone or in combination fails to teach or suggest all limitations as recited in independent claim 1 (and claim 14 that respectfully depend there from), and thus fails to make obvious the subject claims. Accordingly, this rejection should be withdrawn.

X. Rejection of Claims 15-18 Under 35 U.S.C. §103(a)

Claim 15-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith and further in view of Abu-Hakima (US 6499021 B1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Smith *et al.* and Abu-Hakima, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention.

Claims 15-18 depend from independent claim 1. As noted *supra*, Smith, *et al.*, does not teach or suggest each and every element of the subject invention as recited in this independent claim, and Abu-Hakima fails to make up for the aforementioned deficiencies of Smith *et al.* Abu-Hakima teaches a system for prioritizing messages based on analysis of the message and then forwarding messages to a user based on the priority. However, the cited reference fails to disclose a predetermined priority associated with the communication channel that is used to determine priority of a received message. Therefore, Smith, *et al.* and Abu-Hakima fail to teach or suggest *one or more inputs associated with the display objects to facilitate adaptation of the user interface to one or more preferences of a user, the one or more inputs includes at least one or more user preferences for assigning a priority value to a voice message based upon a predetermined priority associated with a communication channel from which the message is received* as recited in independent claim 1.

In view of at least the foregoing discussion, applicant's representative respectfully submits that Smith, *et al.* and Abu-Hakima, alone or in combination fails to teach or suggest all

limitations as recited in independent claim 1 (and claims 15-18 that respectfully depend there from), and thus fails to make obvious the subject claims. Accordingly, this rejection should be withdrawn.

XI. Rejection of Claims 27-33 Under 35 U.S.C. §103(a)

Claim 27-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Losee and further in view of Eggleston. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Losee and Eggleston, *et al.* fail to teach or suggest each and every limitation of applicants' claimed invention.

Claims 27-23 depend from independent claim 23. As noted *supra*, Losee does not teach or suggest each and every element of the subject invention as recited in independent claim 23, and Eggleston fails to make up for the aforementioned deficiencies of Losee. The cited reference discloses a system for applying filters to data that is transferred between a host server and a wireless client device. Eggleston, *et al.* is silent regarding assigning priorities to messages, and therefore fails to teach or suggest *generating a priority associated with a message, wherein the message is assigned a predetermined priority associated with a communication channel from which the message is received.*

Accordingly, applicants' representative respectfully submits that Losee and Eggleston, *et al.*, alone or in combination, fail to teach or suggest all limitations as recited in independent claim 23 (and claims 27-33 which depend therefrom), and thus fails to make obvious the subject claims. Therefore, it is readily apparent that this rejection should be withdrawn.

XII. Rejection of Claims 52-54 Under 35 U.S.C. §103(a)

Claim 52-54 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Takkinen and further in view of Abu-Hakima. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Takkinen and Abu-Hakima alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention.

Independent claim 41 recites *assigning priority values to one or more messages, wherein a message is assigned a priority value based upon a predetermined priority associated with a communication channel from which the message is received.* Claims 52-54 depend from independent claim 41 and as discussed above, Takkinen does not teach or suggest assigning a

priority value to a message based upon a predetermined priority associated with a communication channel from which the message is received, and Abu-Hakima fails to make up for this deficiency of Takkinen. Abu-Hakima teaches a system for prioritizing messages based on analysis of the message and then forwarding messages to a user based on the priority. However, the cited reference fails to disclose a predetermined priority associated with the communication channel that is used to determine priority of a received message.

Accordingly, applicants' representative respectfully submits that Takkinen and Abu-Hakima, alone or in combination, fail to teach or suggest all limitations as recited in independent claim 41 (and claims 52-54 that depend there from), and thus fails to make obvious the subject claims. Therefore, it is readily apparent that this rejection should be withdrawn.

XIII. Rejection of Claims 55-68, 70-71 and 74-77 Under 35 U.S.C. §103(a)

Claim 55-68, 70-71 and 74-77 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Abu-Hakima in view of Wright. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Abu-Hakima, and Wright, *et al.*, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention.

Independent claim 55 recites *one or more controls and displays to at least one of acquire user preferences, inspect behavior, and guide learning and decision policies of the adaptive prioritization and routing system, wherein the user preferences includes a user defined amount of time of inactivity of a message retrieval device, **wherein the user defined amount of time of user inactivity of the message retrieval device is a threshold where messages are held back from delivery to the message retrieval device when the threshold is exceeded.*** The subject claim discloses that messages can be held back from being transmitted to a user if a user's device is inactive for a user defined threshold period of time. As conceded in the Office Action, Abu-Hakima fails to teach this novel feature of the subject claim. Wright *et al.* is silent regarding a user defined amount of time of inactivity of the message retrieval device that is a threshold where messages are held back from delivery to the message retrieval device when the threshold is exceeded. The Office Action dated February 4, 2008 asserts that Wright, *et al.* discloses the bolded feature of the claim. Wright, *et al.* teaches a system for managing data packets on a communication network. The cited section (column 27, lines 26-34) relate to idle time before

transmission from a subscriber device. This relates to waiting for a certain number of packets to be transmitted or a specified period of time before a transmission attempt is made. There is a line that indicates that during the idle time, the reverse channel is also not accessed. All of this relates to idle state for the MAC layer at the *sender device* and ***not the inactivity of the message retrieval device***. The MAC layer on the sender device can be inactive while the message retrieval device is actively being used by the user. The Examiner seems to contend that the MAC layer at the sender device has some knowledge of user inactivity at a recipient device. Wright, *et al.* provides no disclosure indicating such knowledge at the MAC layer of the sending device. Therefore, Abu-Hakima, and Wright, *et al.* fail to teach all elements of the subject claim.

Accordingly, applicants' representative respectfully submits that Abu-Hakima and Wright, *et al.*, alone or in combination, fail to teach or suggest all limitations as recited in independent claim 55 (and claims 54-68, 70-71 and 74-77 that depend there from), and thus fails to make obvious the subject claims. Therefore, it is readily apparent that this rejection should be withdrawn.

XIV. Rejection of Claim 69 Under 35 U.S.C. §103(a)

Claim 69 stands rejected under 35 U.S.C. §103(a) as being unpatentable Abu-Hakima, Wright, *et al.*, and further in view of Horvitz, *et al.* (The Lumiere Project). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Abu-Hakima, Wright, *et al.*, and Horvitz, *et al.* alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention.

The subject claim depends from independent claim 55. As noted *supra*, Abu-Hakima, and Wright, *et al.* do not teach or suggest each and every element of the subject invention as recited in independent claim 55, and Horvitz, *et al.* fails to make up for the aforementioned deficiencies of Abu-Hakima, and Wright, *et al.*. Horvitz, *et al.* discloses a system for employing Bayesian models for inferring goals of a user. The cited reference is silent regarding a user defined amount of time of inactivity of the message retrieval device that is a threshold where messages are held back from delivery to the message retrieval device when the threshold is exceeded.

Accordingly, applicants' representative respectfully submits that Abu-Hakima, Wright, *et al.*, and Horvitz, *et al.* alone or in combination, fail to teach or suggest all limitations as recited in

independent claim 55 (and claim 69 that depends there from), and thus fails to make obvious the subject claims. Therefore, it is readily apparent that this rejection should be withdrawn.

XV. Rejection of Claims 72-73 Under 35 U.S.C. §103(a)

Claims 72-73 stand rejected under 35 U.S.C. §103(a) as being unpatentable Abu-Hakima, Wright, *et al.*, and further in view of Eggleston, *et al.* It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Abu-Hakima, Wright, *et al.*, and Eggleston, *et al.* alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention.

Claims 72 and 73 depend from independent claim 55. As noted *supra*, Abu-Hakima, and Wright, *et al.* do not teach or suggest each and every element of the subject invention as recited in independent claim 55, and Eggleston, *et al.* fails to make up for the aforementioned deficiencies of Abu-Hakima, and Wright, *et al.* Eggleston, *et al.* discloses a system for applying filters to data that is transferred between a host server and a wireless client device. The cited reference is silent regarding a user defined amount of time of inactivity of the message retrieval device that is a threshold where messages are held back from delivery to the message retrieval device when the threshold is exceeded.

Accordingly, applicants' representative respectfully submits that Abu-Hakima, Wright, *et al.*, and Eggleston, *et al.* alone or in combination, fail to teach or suggest all limitations as recited in independent claim 55 (and claims 72 and 73 that depends there from), and thus fails to make obvious the subject claims. Therefore, it is readily apparent that this rejection should be withdrawn.

XVI. Rejection of Claims 78-85 Under 35 U.S.C. §103(a)

Claims 78-85 stand rejected under 35 U.S.C. §103(a) as being unpatentable Abu-Hakima in view of Horvitz, *et al.* (The Lumiere Project). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Abu-Hakima and Horvitz, *et al.* do not teach each and every element of the subject invention as recited in the subject claims.

Independent claim 78 recites *one or more controls and displays to acquire message priority settings associated with the adaptive prioritization and routing system ; and a user interface associated with the one or more controls and displays that provides at least a user*

*adjustable control of an amount of messages received via the message priority settings and a feedback directed to the user relating to the settings, the **feedback includes a quantity indicating the number of messages that would have been transmitted to a user within a specified bound in time based upon the priority settings.*** The Office Action dated February 4, 2008 concedes that Abu-Hakima does not teach that the feedback includes a quantity indicating the number of messages that would have been transmitted to a user within a specified bound in time based upon the priority settings. The cited sections (column 8, line 36-48, column 9, line 15-39, column 11, line 19-25 and column 10, line 41-63) are all silent regarding feedback including a quantity indication of the number messages that would have been transmitted to a user within a specified bound in time based upon the priority settings. Column 8, lines 36-48 disclose a user's ability to establish preference ranking for contacts projects and organizations. A what-if function informs the user of what actions would be performed under certain conditions. However, the cited reference fails to disclose that the what-if function can inform the user of the number of messages that they would have received during a given period of time based upon their preference settings. The what-if function merely allows the user to confirm that the correct actions are being taken based upon their preferences. The subject claim allows the user to tune the amount of messages they will receive within a time interval based upon the priority settings. Column 9, lines 15-39, discloses a feature that allows a user to request an explanation for why an agent took a particular action with a message. Column 11, lines 19-25 provides for displaying back to a user a newly learned contact, project, or organization. Column 10, lines 41-63, merely teaches a learning function that learns a sequence of user keystrokes in order to associate then with a user action. As such, Abu-Hakima fails to teach or suggest generating a priority associated with a message, wherein the message is assigned a predetermined priority associated with a communication channel from which the message is received. Horvitz, *et al.* is cited to make up for the deficiencies of Abu-Hakima. However, Horvitz, *et al.* also fails to teach this feature. The Office Action cites page 5, left column, 3rd paragraph and page 8, right column, 1st paragraph as teaching this feature. On the contrary, 5, left column, 3rd paragraph discusses conditional probabilities in a Bayesian model related to user' goals and observed user actions over a time space. Page 8, right column, 1st paragraph discusses a user settable threshold for controlling when a automated assistant will offer help to a user. The sections are silent regarding and completely unrelated to **feedback including a quantity indicating the number of messages**

that would have been transmitted to a user within a specified bound in time based upon the priority settings. Thus, Abu-Hakima and Horvitz, *et al.* fail to teach all of the limitations of the subject claim.

Accordingly, applicants' representative respectfully submits that Abu-Hakima and Horvitz, *et al.*, alone or in combination, fail to teach or suggest all limitations of independent claim 78 (and claims 79-85 that depend there from), and thus fails to make obvious the subject claims. Therefore, it is readily apparent that this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP225USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731